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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,233	10/27/2003	James Victor Cragg	UP2118A-SOT2	2949
<div>7590 09/21/2007 Daniel M. Cislo, Esq. CISLO & THOMAS, LLP 233 Wilshire Boulevard Suite 900 Santa Monica, CA 90401-1211</div>			<div>EXAMINER MAI, TRI M</div> <div>ART UNIT 3781</div> <div>PAPER NUMBER</div>	
			<div>MAIL DATE 09/21/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,233	Applicant(s) CRAGG, JAMES VICTOR	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) 5-20, 22-25 and 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 21 and 26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 5-20, 22-25, and 27-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.
2. Claim 1 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Quayle (4241459). Quayle teaches an arrangement having a magazine holder with an inner panel 96, an outer panel 94 having a front operation side overlapped on the inner panel and a divider 106 forming a plurality of slots and a gear carrier 104 provided on the front operational side, means for detachably fastening the holder on the user's body and being warped for fitting a curvature of the user's body such that the outer panel is reinforced to substantially bias against the inner panel via the divider panel 106 as claimed. Quayle meets all claimed limitations except for the plurality of divider. It would have been obvious for one of ordinary skill in the art to provide a plurality of dividers to provide added compartments. Note that duplicating parts is within the skills of one of ordinary skill in the art.

With respect to the new limitation of the outer panel is being bent and so that the magazine is tightly held close to the user body, it is submitted that the functional recitation does not impart any structure over the device of Quayle (4241459). It is noted that the layer 86 is bendable by other means to meet the functionality as claimed, e.g., one can wear a belt or a strap or an additional clothing device outside thus bending the outside panel and thus creating a biasing force holding the magazine tightly positioned against the user. Furthermore, it is noted that one can also wear a "tightly fitted" device of Quayle to create the bending effect as claimed.

3. Claims 1-2, and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Orr (1340077) in view of Riess (5968522) or Noriega et al. (5505356) or Tucker et al. (6135333). Orr teaches an arrangement having a magazine holder with an inner panel (8+9+10), an outer

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panel 16 having a front operation side overlapped on the inner panel and dividers 17 forming a plurality of slots. Orr meets all claimed limitations except for the gear carriers. Riess teaches that it is known in the art to provide a plurality of gear carrier formed by a plurality of webbing straps 32 outside of a pocket. It would have been obvious for one of ordinary skill in the art to provide webbing straps outside of a pocket to enable to carry additional contents.

With respect to the new limitation, it is submitted that the fastening device 14 on the outer layer would allow the user tightly fastened the device around the user and this would create a force allowing the outer and inner panels closer together.

Noriega also teaches that it is known in the art to provide a plurality of gear carrier formed by a plurality of webbing straps 96, 94 outside of a pocket. It would have been obvious for one of ordinary skill in the art to provide webbing straps outside of a pocket to enable to carry additional contents.

Tucker also provide rear carrier 36 in front of a pocket. It would have been obvious for one of ordinary skill in the art to provide webbing straps outside of a pocket to enable to carry additional contents.

Regarding claim 21, the shoulder strap and the sideward strap at 14 meets the claimed limitations as claimed. To the degree it is argued that that the device is not positioned at the chest. It would have been obvious for one of ordinary skill in the art to shorten the shoulder straps to have it positioned at the chest to provide the desired location for the device.

4. Claims 3, 4, and 26 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Orr rejection as set forth above, and further in view of Batchelder (1340142), or Goldshaw et al. (20020140145027). It would have been obvious for one of ordinary skill in the art to provide

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the pockets with two strap elements as taught by Goldshaw, or Batchelder at straps 2 and 3 to provide an alternative security means.

Regarding claim 26, note the two straps at 14 sidewardly extended from two side of the magazine holder and the fasteners being provided at two free ends as claimed. To the degree it is argued that that there are no fasteners at the two free ends. Official notice is that it is known in the art to provide fasteners at the two free ends. It would have been obvious to one of ordinary skill in the art to provide fasteners at the two free ends an alternative fastening means.

5. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr rejection as set forth above in paragraph 3, and further in view of Yergason (1290827). It would have been obvious for one of ordinary skill in the art to shorten the shoulder straps to have it positioned at the chest, as taught by Yergason, to provide the desired location for the device.

Regarding claim 26, it would have been obvious to one of ordinary skill in the art to provide sidewardly extending body straps at 16 to keep the device secured.

6. Applicant's arguments have been fully considered but they are not persuasive. As set forth above, the new amended claims do not read over the prior art of record. The functional recitation does not impart any structure over the device of Quayle (4241459). It is noted that the layer 86 is bendable by other means to meet the functionality as claimed, e.g., one can wear a belt or a strap or an additional clothing device outside thus bending the outside panel and thus creating a biasing force holding the magazine tightly positioned against the user.

Similar to that of Orr, Orr teaches the outer panel 16 circumferentially bended about the user and the adjusting fastening device 14 on the outer layer would allow the user tightly

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fastened the device around the user and this would create a force allowing the outer and inner panels closer together.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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